

# CANVASSING KANSAS

AN UPDATE ON ELECTION NEWS IN KANSAS

## Secretary of State Ron Thornburgh leads delegation to Cuba

**K**ansas Secretary of State Ron Thornburgh led the Kansas State Leadership Initiative to the Republic of Cuba in May. The trip was organized and sponsored by the People to People International Ambassador program. The 16-member delegation was comprised of leaders from business, education and government. The purpose of the trip was for the delegation to meet with Cuban professionals to learn about opportunities in business and agriculture.

President Eisenhower founded

the People to People International Ambassador Program in 1956. The basic goal of the organization is to enhance tolerance and understanding among all people and to offer a unique experience for international professional exchange.

Highlights of the exchange included touring exhibits on Cuban science, technology and culture. The group visited the Pinar del Rio province and the Las Tarrazas community to study a model village that is touted as one of Cuba's prime

ecotourism sites, and they visited with Cuban experts on important aspects of the economy and foreign investment.

"I believe the trip will result in many opportunities for Kansans. There have been recent discussions of easing the trade embargo against Cuba, which would ultimately lead to business opportunities for Kansas," stated Thornburgh. "It was an honor to lead such a bright and diverse delegation that represented Kansas well."

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## 2001 Midwest Election Officials Conference update

**A** hotel site has been selected for the 2001 Midwest Election Officials Conference (MEOC). The conference will be held at the Westin Crown Center Hotel in Kansas City, Mo., Dec. 9 -12, 2001.

The Westin is located at One Pershing Road in Kansas City. It is two blocks from the Hyatt Regency Hotel, site of the 1997 MEOC, and less than a block from the newly renovated Union Station, which has shops, theaters and community events. There is an elevated covered walkway from the Westin to Union Station. Crown Center is also known for its shopping, dining and cultural

events. The holiday lights at Crown Center and at the nearby Plaza area are an annual attraction.

Plans for the MEOC are being made jointly by the Secretary of State's offices in Iowa, Kansas, Missouri and Nebraska. Very reasonable hotel room rates of \$85 per night have been negotiated, and efforts are being made to keep the conference registration costs as low as possible, hopefully not much over \$100 per person.

More details about the discussion topics and speakers will be sent as they are finalized, as well as registration materials.

This will be an opportunity to expand your knowledge of elections and establish contacts with election officials in other states who share your needs and successes. Don't miss this chance to receive and share ideas on how to improve elections!

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## ***KCCEOA holds statewide conference in Salina***

**T**he Kansas County Clerks and Election Officials Association held its annual spring conference at the Salina Holiday Inn Holidome May 1 - 4, 2001. Ninety-two counties were represented by at least one member. Participants heard discussions on a wide range of topics related to the job of county clerk, including budgeting and accounting, licensing, homestead refunds, ethics, professionalism and humor, and motivation in the workplace. There were updates from the Department of Revenue's Property Valuation Division and a legislative update from Randy Allen of the Kansas Association of Counties. General sessions were conducted by KCCEOA president Mary Gilmore, Morton County Clerk.

On Thursday, May 3, the Secretary of State's office presented information related to elections.

Secretary of State Ron Thornburgh briefed the group on issues arising from the 2000 election experience, including the status of reform plans resulting from the presidential ballot-counting problems in Florida. Thornburgh summarized the testimony he has given to congressional committees on two recent occasions. One of the issues many states are addressing is consistency of election procedures throughout the state. He explained his plan to develop a set of Kansas Election Standards and his intention of appointing a task force of county elec-

tion officers to assist his staff in the project. Thornburgh encouraged all election officers to attend the fourth Midwest Election Officials Conference, scheduled for Dec. 9-12, 2001, at the Westin Crown Center Hotel in Kansas City, Mo.

Bryan Caskey, administrative assistant in the elections division, delivered remarks on census, election geography and redistricting plans. He explained that the U. S. Census Bureau has posted population figures from the 2000 census on its Internet Web Site at <http://www.census.gov/>. The site has the latest data for various geographic entities in the state. The census block-based data will be sent to the states later for use in redistricting. The Kansas Legislature is scheduled to draw new district lines in 2002 for Kansas' four districts in the U. S. House of Representatives, the state House of Representatives, state Senate and state Board of Education.

Brad Bryant, state election director, distributed a guide for implementation of new election laws passed by the 2001 Kansas Legislature and explained some of the important provisions in the new laws. He noted that the new laws require work by his office and the counties' software vendors to carry out requirements for cleanup of the voter registration databases.

The theme of the Thursday night banquet was "Class Reunion—Get in the Spirit!"

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**SECRETARY OF STATE  
RON THORNBURGH**

Memorial Hall  
120 SW 10th Ave.  
Topeka, KS 66612-1594  
(785) 296-4564

**EDITOR**  
Jeanette C. Stauffer

**LAYOUT AND DESIGN**  
Heather Braum

**COPY EDITORS**  
Barb Nemec  
Nancy Reddy

**CONTRIBUTING WRITERS**  
Brad Bryant  
Bryan Caskey  
Jesse Borjon

If you have any suggestions or comments about this or future issues, please call 785-296-1864.

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## **RON THORNBURGH**

### **Kansas Secretary of State**

Dear Friends:

As you may have heard, the Legislature recently concluded the longest legislative session in the history of Kansas. With the adjournment of the Legislature it is time to focus on election laws that were passed during the session and improve upon the statewide election procedures already in place.

I am appointing a nine-member Election Standards Task Force to help standardize election procedures statewide. The nine-member task force will be comprised of county election officers and will be charged with developing an election manual for statewide use. The manual will address procedures, particularly with regard to counting provisional ballots, recount procedures and counting write-in votes. These are the main issues arising from the 2000 election nationwide.

The task force will meet at least twice and perhaps as many as six times. This will be a work in progress and the election manual will be designed so that it can be updated as election laws and procedures change.

I look forward to working with the task force and helping to implement standardized election procedures statewide.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Thornburgh", written over a horizontal line.

**RON THORNBURGH**  
Secretary of State

## Elections bills passed by the 2001 Kansas Legislature

The events of the 2000 election, particularly the problems experienced by Florida in counting the presidential election votes, focused the attention of state legislatures across the nation on election reform. There are also dozens of bills in Congress to reform election procedures.

The message carried by Secretary of State Ron Thornburgh to the Kansas Legislature at the beginning of the 2001 session was that our state did not need a major overhaul of election procedures. However, there

is now an opportunity to bring about some positive changes. As a result, a greater number of election-related bills was passed by the Legislature, covering a broad range of topics: recounts, advance voting, election crimes, petition circulation, legislative/congressional redistricting and voter registration.

Following is an elections legislation summary that was distributed to county election officers at their spring statewide conference in Salina on May 3.

### **SB 47 - County Objection Board Members**

This bill changes the membership on the county objections board. When an objection is filed challenging the candidacy of a particular candidate (as a result of either the candidate's filing or the candidate's winning the primary), current law states that the issue is decided by the county objections board. The county objections board consisted of the county election officer, county/district attorney and the clerk of the district court. SB 47 replaces the district court clerk with "... an elected official of the county whose position is not involved in the controversy, who shall be designated by the county election officer ..."

### **SB 63 - Social Security Number on Voter Registration**

This bill requires applicants for voter registration to provide the last four digits of their Social Security numbers. Also, the bill prohibits election officers from publicly disclosing any information pertaining to anyone's Social Security number or providing copies of any such information. This bill is intended to help election officers keep track of voters, address changes and duplicates.

Current law does not mention the Social Security number, although the voter registration application form asks for (but does not require) the

full Social Security number. It is very limited in its usefulness as a tool to clean up the voter registration list because only 25 percent of applicants supply their Social Security number.

We recommend that county election officers not deny registration to applicants who fail or refuse to supply their Social Security numbers. This information is not required for a voter to meet the constitutional qualifications for voting in Kansas; rather, it is used for administrative purposes only.

### **SB 107 - County Attorney Petition Review**

This bill changes the procedure for county attorneys to review petitions before circulation.

Before any petition requesting an election may be circulated, it must be submitted to the county attorney for an opinion regarding the legality of the form of the question on the petition. If the county has a district attorney, the petition is filed with that office; if the county has a county counselor, the petition is filed with that office instead.

The attorney has five calendar days in which to issue a written opinion regarding the legality of the petition's question. If the attorney fails to issue an opinion within the five-day period, the petition is deemed valid, and the circulators may begin gathering signatures.

However, the county/district attorney or counselor may still challenge the validity of the petition in court. Such challenges must be filed within 20 days after the petition, including signatures, is filed with the county election officer. In such cases the court must issue a ruling within 20 days after the challenge is filed.

In the case of a protest petition, it is deemed valid if it states the title, number and exact language of the ordinance or resolution being protested, and if the title of the petition contains the words "Shall the following ordinance, or resolution, become effective?"

## SB 125 - Technical Cleanup

This is a cleanup bill for election administration. It contains eight provisions.

It alters candidate filing deadlines and petition requirements for congressional, state legislative and state board of education candidates in 2002 if the Legislature does not complete the redistricting process early enough to allow adequate time for candidate filings. Judicial candidates and other candidates not subject to redistricting maintain the usual filing deadlines.

K.S.A. 25-205 was passed in 1992 for that year's redistricting;

this year's changes update the 1992 provisions to cover next year and each succeeding redistricting year (e.g., 2012, 2022, etc.).

*First*, if redistricting is not completed before May 10 of each year, the number of signatures required on candidate petitions is reduced because the time period allowed for petition circulation is shorter. (Filing fees are not changed.) If redistricting is completed on or before June 10, the candidate filing deadline is at noon on June 24. If redistricting is completed after June 10, the candidate filing deadline is at noon on July

12.

*Second*, the bill deletes the office of county surveyor from ballot preparation statutes because there are no longer elected county surveyors.

*Third*, it amends K.S.A. 25-413 by deleting a reference to K.S.A. 25-410 because the statute was repealed in 1996. K.S.A. 25-413 requires a voter whose ballot has been challenged to sign the oath prescribed by K.S.A. 25-410. When laws were changed in 1996 to comply with the National

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## SB 126 - Recounts, Polling Hours in Mountain Time Zone, Canvassing Provisional Ballots

This bill was originally proposed as a recount bill for statewide offices. It was amended to include a provision encouraging synchronization of polling hours in mountain time zone counties with the hours in the rest of the state, and also a clarification of the procedure for counting and canvassing provisional ballots.

Section One establishes a more centralized procedure for recounts in state and national offices. Under the old law, the person requesting the recount in a statewide or multi-county district would have to request the recount and post a bond in each county. The new law still allows a candidate to use that procedure and establishes the following procedure to make the process easier.

\*A candidate for an office elected on a statewide basis or multi-county state legislative office or state board of education may request a recount by filing a single request with the Secretary of State, rather than having to file separately in each county. The candidate then posts a single bond with the Secretary of State to cover the costs of the recount in all counties involved.

\*The candidate may specify the counties to be recounted and the method of recount in optical scan counties (hand recount or scanned).

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## SB 127 - Election Administration

This bill contains five distinct provisions:

*First*, it reduces the statutory qualifications for petition circulators to comply with the 1999 U.S. Supreme Court case *Buckley vs. American Constitutional Law Foundation*. The court in *Buckley* no longer allows states to require petition circulators to be registered voters. States may require circulators to be residents of the state, and may require them to possess the constitutional qualifications of registered voters in the state, but requiring actual registration is not permitted.

*Second*, it establishes a procedure for the removal of the names of permanent advance voters from the permanent list if they miss two consecutive elections. If a person with a permanent sickness or disability is on the permanent advance voting list and automatically receives a ballot but fails to mark and return the ballot for two consecutive state/national general elections (November of even-numbered years), the county election officer may remove the voter's name from the permanent advance voting list. The election officer first mails a notice to the voter informing him/her that his/her name will be removed unless the voter renews the application for permanent status within 30 days. **This does not authorize removal of the person's name from the voter registration list—only the permanent advance voting list.**

*Third*, the bill allows for a registered voter to request that the county election officer not disclose the

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## SB 126 - Recounts, Polling Hours in MTZ, Canvassing Provisional Ballots

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\*The Secretary of State coordinates with the affected counties to determine the costs, administer the recount and collect certified results on an abstract.

\*If the election results after the county canvasses indicate a margin of victory of 0.5% or less and a recount is requested, the state reimburses the counties for the expenses. This applies to all statewide and national offices, the state legislature and the state board of education races (not just the multi-county districts). The Secretary of State must secure the funding from the state Legislature and coordinate with the state Division of Accounts and Reports to transfer the funds to the respective counties.

Section Two sets election-day polling hours from 6 a.m. to 6 p.m. for counties in the Mountain Time Zone (Greeley, Hamilton, Wallace and Sherman) to coordinate with the hours polls are open in the rest of the state. The counties involved may continue to establish and publicize different hours as long as they are open 12 continuous hours, and they open not earlier than 5 a.m., close not earlier than 6 p.m. and remain open not later than 8 p.m. This is consistent with the law governing other counties; the difference is that the law now encourages Mountain Time counties to open and close one hour earlier.

This is an attempt to coordinate the release of election results on election night in order to prevent the announcement of early returns from dis-

couraging turnout in counties where the polls are still open.

Section Three clarifies the law governing how and when provisional ballots are opened and canvassed. It specifies that after provisional ballots are collected on election day, the envelopes are not to be opened until the county canvass on Friday after the election.

At the canvass, all the provisional ballots are to be reviewed, and only those deemed valid are opened and counted. Any provisional ballots deemed invalid by the board of canvassers are left sealed in their envelopes and stored with the rest of the ballots unless a court orders the ballots to be opened in an election contest.

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## SB 127- Election Administration

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voter's residence address. The request must be in writing and must specify a "... clearly unwarranted invasion of personal privacy or a threat to the voter's safety." Upon receiving such a request, the county election officer must conceal the voter's residence address on any voter registration records available to the public, including computerized lists and the original cards if someone requests access. This is intended to aid crime victims, law enforcement personnel and judicial officers who fear retribution when persons convicted of crimes are released from prison.

*Fourth*, the bill authorizes the use of lists of deceased persons obtained from the federal Social Security Administration to clean up the voter registration list. This would be in addition to the lists of deceased persons the county election officers receive from the state Bureau of Vital Statistics. The Office of the Secretary of State plans to purchase the list from the SSA annually and compare it to the statewide voter file at the time of the National Change of Address check and the duplicate check. The Secretary of State's office will then send the results to the respective counties for processing.

The county election officer is authorized to delete

any deceased person's name from the voter registration list upon receipt of this information from the Social Security Administration, just as he/she deletes names upon receipt of information from the Bureau of Vital Statistics or when an obituary appears in a local newspaper.

*Fifth*, the bill requires voter registration lists to include designations of inactive and suspended voters. Inactive voters are those who have failed to vote at two consecutive state/national general elections. Suspended voters are those who have been mailed a confirmation notice *because the voter apparently moved out of the county* and has not responded. Confirmation notices are mailed when the county election officer receives information from a source other than the voter indicating an address change; this new law deals only with out of county address changes.

This law was enacted to help candidates, parties and others who use the voter registration lists for campaign purposes. These people may opt to purchase only the data of active voters who have not changed addresses so as to avoid wasting time and money on unproductive mailings.

## SB 128 - Election Crimes, Advance Ballot Applications

This bill amends the election crimes statutes, creating one new election crime and strengthening two existing crime statutes. Also, a provision dealing with advance ballot applications was amended into it.

*First*, it creates a new crime of voter registration suppression. It is a severity Level 10, non-person felony to knowingly destroy completed voter registration applications, obstruct the delivery of applications to the county election office, or fail to deliver them to the election office if it is a statutory duty to do so (e.g., DMV and SRS offices).

This law was passed in response to reports of individuals and groups involved in voter registration drives who lose or destroy applications, thereby disenfranchising voters who had completed their applications in good faith. There

were applicants who complained when they were told on election day that their names were not on the voter registration list.

*Second*, it strengthens the existing voter intimidation statute. It prohibits the dissemination of false information designed to keep people from voting either on an advance ballot or on a regular ballot.

This law was passed in response to reports of candidates in the 2000 election targeting voters of the opposing party with telephone calls falsely informing the voters that they would be required to produce a “voting card” at the polling place before they would be allowed to vote.

*Third*, it strengthens the electioneering statute. It extends the prohibition against electioneering throughout the 20-day advance voting period. Previously, the law only prohibited electioneering at polling places on election day.

The language of the new statute also specifies that electioneering includes wearing clothing or distributing printed materials that identify a candidate or ballot issue. The language specifically allows the automobiles of voters with campaign bumper stickers to be parked at the polling place.

*Fourth*, the bill changes the time allowed for delivery of advance ballot applications from 48 hours to two days. A provision enacted in 2000 required individuals and groups distributing advance ballot applications to deliver the completed applications to the county election office within 48 hours of the time the voters signed them. Violation of the requirement was a misdemeanor, and there was concern that people could be prosecuted if the applications were mailed on a Friday and received in

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## SB 125 - Technical Cleanup

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Voter Registration Act, the oath was done away with and replaced by the requirement that the voter sign a new voter registration application card. When K.S.A. 25-410 was repealed the reference to it in K.S.A. 25-413 should also have been deleted.

*Fourth*, the bill does two things in K.S.A. 25-616. It makes the statute year 2000 compliant by deleting “19” in the heading of the ballot form for national and state offices. It also deletes several occurrences of the phrase “for presidential electors for president and vice president” from the national/state ballot form. The phrase needs to be printed only once on the ballot. Previously, the law required the phrase to appear before the names of each team of candidates for president and vice president.

*Fifth*, the bill deletes “19” in the heading of the ballot form for county and township offices.

*Sixth*, it updates K.S.A. 25-3102 that deals with vacancies on county boards of canvassers. The statute is to accommodate counties with more than three county commissioners. The new language provides for filling vacancies on the canvassing board if more than two commissioners are absent.

*Seventh*, the bill deletes another reference to a repealed statute. K.S.A. 25-3802 was repealed in 1990; however, a reference to that statute in K.S.A. 25-3801 was not removed. Therefore, this bill deletes the reference to K.S.A. 25-3802 because the statute is no longer in effect.

*Eighth*, the provision authorizing sick/disabled/illiterate voters to apply for advance ballots through election day was moved from K.S.A. 25-1124(c) to K.S.A. 25-1122 (c).



# U.S. Census Bureau releases census results

The United States Census Bureau has released the official Census 2000 numbers. The United States population on April 1, 2000, was 281,421,906.

Kansas ranked as the 34th largest state with a population of 2,688,418. Kansas experienced an increase of 8.5 percent from the 1990 census.

The largest county in Kansas is Sedgwick County with 452,869 people. The smallest county in Kansas is Greeley County with a population of 1,534 people.

Five counties in Kansas experienced growth of 20 percent or more. Johnson County led the state with 27 percent growth, followed by Finney County with 22.5 percent, Douglas County with 22.2 percent, Miami County with 20.8 percent and Seward County with 20.1 percent. Twelve counties in Kansas experienced a decline in population of at least 10 percent from the 1990 census.

With the release of the official census figures, state and local officials may begin the task of redistricting. Those official census figures will be used by the Kansas Legislature to redraw the four congressional district boundaries. In addition, county commissioners and city officials use these numbers to redraw their district lines.

The Office of the Secretary of State is currently

wrapping up work on the census adjustment project. Kansas remains the only state in the nation that takes the official census numbers and adjusts those numbers by reallocating college students and military personnel to their permanent in- or out-of-state residences. The of-

fice will report those adjusted numbers to the Legislature on July 31, 2001. The adjusted numbers will be used by the Legislature to redraw State Senate, State Representative and State Board of Education district lines. The adjusted numbers may only be used for this specific purpose and no other.

The Office of the Secretary of State would like to be kept informed of any redistricting done at the county or city level. Although cities and counties may begin redrawing their district lines, they must follow the precinct lines as they are set by the

U.S. Census Bureau.

This summer copies of the paper maps will be sent to each county election officer for use in local redistricting efforts. City election officers should check the maps to make sure the precinct lines agree with the precinct lines on existing county maps.

If there are any questions about this, you may call Bryan Caskey at 785-296-3488 at the Office of the Secretary of State.

## Census Quick Facts

**U.S. Population:** 281,421,906

**Kansas Population:** 2,688,418

**Size Rank:** 34th state

**Growth:** 8.5% (Since 1990)

**Largest County:** Sedgwick  
(pop. 452,869)

**Smallest County:** Greeley  
(pop. 1,534)

Source: 2000 U.S. Census

## SB 128 - Election Crimes, Advance...

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the election office the following Monday. According to the Rules of Civil Procedures (K.S.A. 60-206), by changing the requirement from 48 hours to two days, delay of delivery of applications due to a weekend or holiday will not be a violation of the law because when counting fewer than 11 days, weekends

## HB 2297 - Four New Court of Appeals Judges

and holidays are omitted.

This bill increases the number of judges on the Kansas Court of Appeals from 10 to 14. One judge will be added each year for four years beginning in 2003. In general elections, the new number of judges will affect the judicial retention ballot in even-numbered years.



## ***Voter registration files enhanced by new laws***

Several changes to the computerized voter registration databases at the county and state levels are required by new laws passed in 2001. The required changes fit in with the Secretary of State's overall plan to improve the state's voter file over the next few years.

First, the law was changed to require applicants to provide the last four digits of their Social Security numbers on the voter registration application form. This will aid in the identification of voters and the ability to track them as they move from county to county. In the interests of privacy, the new law prohibits the public disclosure of any information pertaining to a person's Social Security number. Counties must program their computerized registration files to accommodate the receipt of the last four digits of applicants' Social Security numbers, and also program them so that information does not appear on any file available to the public.

Second, files must be programmed to allow for the designation of inactive and suspended voters. These are voters who have missed the last two national general elections and those who have been mailed confirmation notices because they moved out of the county but who have not responded to the notices. Candidates, parties and others who use the voter file want to be able to exclude these voters from the database when they prepare their campaign mailings.

Third, voter files must be programmed to conceal the residential address of voters who request non-

disclosure of their addresses. Under the new law, a voter may file with the county election officer a written request to have their residential address concealed on any voter files available to the public if the voter can specify a "clearly unwarranted invasion of personal privacy or a threat to the voter's safety." This is intended to help crime victims, law enforcement personnel and judicial officers who fear retribution when offenders are released from prison.

Another new law that will provide a means to further clean up the statewide voter file authorizes the use of data from the federal Social Security Administration's list of deceased persons to identify voters whose names should be removed from the file. The Secretary of State's office plans to purchase the list annually and compare it to the statewide voter file, identifying registrants who are deceased, then providing that information to the respective county election officers where the deceased voters are registered.

Another enhancement to the entire statewide database system that the Secretary of State's office has been encouraging for the past couple of years is the electronic transfer of data from counties to the central computer file. Since the statewide database was first established in 1994, counties have been allowed to use various means for sending their quarterly reports to the Secretary of State: diskettes, tape cartridges and reel-to-reel tapes were most common in the beginning. However, now that all the counties have computers with Internet access, two additional means

are available—file transfer protocol (FTP) and e-mail—both of which are preferable to the other means. The Secretary of State's office prefers to receive data via FTP, and to encourage its use we have developed specific instructions that will lead the user through the process of downloading their file from their county's central computer and sending it to the SOS computer. At the time of this writing the instructions are being tested and finalized for distribution statewide. There is also a series of computer screens available at the SOS Web Site at <http://165.201.68.9/> that are very helpful in understanding the process. If FTP is not used, counties may choose to send their databases as email attachments. Both FTP and e-mail are less time consuming and less susceptible to errors than the other means, and the SOS office is encouraging their use.

Finally, the goal we hope to reach is a true online statewide voter registration system. This would be a system where the counties would be directly connected to the state's central database. Any time a county election officer made an addition, deletion or change to a record in the county database, it would automatically update the SOS computer file, eliminating the need for quarterly reporting. The electronic transfer of data via FTP and e-mail is the first step toward this goal. Another intermediate step will be taken when the Division of Motor Vehicles begins transferring all the voter registration data they collect to the counties via the Internet.